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Attorneys for Interested Party
Bernadette Cattaneo

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
MODESTO DIVISION

In re

ANDREAS ABRAMSON,

Debtor.

Case No. 18-90258
Chapter 7

**JOINT SUPPLEMENTAL TRIAL BRIEF
ON MOTION TO AVOID JUDGMENT
LIEN**

Hearing

Date: March 13, 2019

Time: 9:30 a.m.

Dept: E

Place: 1200 I Street, Suite 4
Modesto, California 95354

Judgment Creditor, Helen McAbee (“McAbee”) and Interested Party Bernadette Cattaneo (“Cattaneo”) and collectively with McAbee the “Objecting Parties”, submit the following supplement to their previous briefs on this matter.

1 The Objecting Parties believe the legal issues in connection with the Motion to Avoid
2 (the “Motion”) have been put to rest. As such, what remains is for the Court to hear the
3 testimony of the retained experts and determine a value for 83 Sanguinetti Court, Copperopolis,
4 California (the “Property”) as of April 14, 2018, and then plug that figure into the analysis
5 provided in the Court’s tentative ruling.

6 The Court is faced with opinions of value that vary greatly. Debtor’s latest suggested
7 value is \$1,090,000, an amount even lower than his bankruptcy scheduled value of \$1,160,027.
8 The Objecting Parties on the other hand, assert a value of \$1,600,000 - \$1,720,000. The Court
9 will receive explanations for this discrepancy. The Objecting Parties will save their pointed
10 criticisms for the trial but suggest the differences can be explained, at least in part, by the
11 following:

- 12 - Use of appraisers from out of the area that are unfamiliar with the local properties,
13 particularly the properties located on Lake Tulloch, which is its own market with
14 values varying as a result of certain critical considerations;
- 15 - An effort to shoehorn “comparable” properties into the appraisal by making large
16 dramatic adjustments to reach an asserted value of the Property – the question being
17 whether adjustments of such size render the notion of a “comparable” property
18 meaningless;
- 19 - Ignoring comparable properties that are closer in location and closer in proximity to
20 the valuation date by using artificial and unhelpful distinctions such as whether the
21 comparable property was listed rather than sold, or whether the sale occurred after the
22 valuation date, as if the future tells us nothing about the past;
- 23 - Adopting the overly dramatic notion that the Property’s entire deck needs replacing
24 and then adjusting for the full cost of replacement, as if a willing buyer would
25 demand and a willing seller grant such a credit.

26 The Objecting Parties appreciate the Court’s time and look forward to the resolution of
27 the valuation issues.

DATED: March 1, 2019

FINESTONE HAYES LLP

/s/ Stephen D. Finestone

Stephen D. Finestone

Attorney for Bernadette Cattaneo